

MHN

IN THE  
UNITED STATES DISTRICT COURT  
For The, NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

-vs-

KENDRICK THOMAS,  
Defendant-Petitioner,

Case No.

04 CR 965  
08-C-2204

Hon. Judge Gottschall

FILED

JUN 26 2008

6-26-2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

NOTICE OF FILING AND CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE, that the undersigned has filed a, Motion for an Extension of time to file reply to government's response, with the U.S. District Court, on 23 / June / 2008. This also certifies that a copy of said document was served upon the United States Attorney or his assistant, Lisa H. Noller; located at, 219 South Dearborn Street, Chicago, Illinois 60604.

By placing said documents in the U.S. mail postage paid at the U.S. Penitentiary (Terre Haute), P.O. Box 12015, Terre Haute, IN. 47801; addressed to aforementioned parties above.

SUBSCRIBED AND SWORN BEFORE ME

This \_\_\_\_\_ Day Of \_\_\_\_\_ 2007

\_\_\_\_\_  
Notary Public

Respectfully Submitted

X Kendrick ThomasName: M. Kendrick ThomasAdd: U.S. PenitentiaryP.O. Box 33Terre Haute, IndianaZip: 47808Date: June 23, 2008

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

JUN 26 2008 *aw*

MICHAEL W. BOBBINS  
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )

Plaintiff-Respondent )

-VS-

KENDRICK THOMAS, )

Defendant-Petitioner )

No. 08 C 2204

(04 CR 965)

Hon. Judge Gottschall

MOTION FOR AN EXTENSION OF TIME  
FOR PETITIONER TO REPLY TO GOVERNMENT'S  
RESPONSE TO HIS § 2255 MOTION

Now Comes the Petitioner, Kendrick Thomas, and Moves this honorable Court, pursuant to Fed. R. Crim. P. 45, requesting an extension of time until July 10, 2008, to file his reply to the United States-Government's response to his § 2255 Motion to Vacate, Set aside, or Correct Sentence.

IN Support here of the Petitioner States as follows:

1. That the Government filed its response to the Petitioner's § 2255, on June 3, 2008.
  2. That on 4/28/2008 this Court ordered the government to respond to Thomas's § 2255 filed on April 10, 2008, within 28 days, and further, ordered that the Petitioner reply to their response 21 days after their response, which was 06/03/2008, making Mr. Thomas's reply due to be filed by June 24, 2008.
  3. That the Petitioner is unable to complete the reply and have it filed timely, because the Institution has been placed on lock down due to an act of violence, and the Petitioner cannot finish typing the reply and get copies for service until the facility comes off lock down. Hopefully this week or next week.
- Petitioner has started typing the reply but needs more time to finish it, copy it, and mail it.

So Mr. Thomas, is asking Your Honor to grant him an Extension of time until July 10, 2008, to file his reply to the Government's response to his § 2255 Motion. "no other extension has been requested."

Wherefore, the Petitioner, Mr. Kendrick Thomas, pro se, respectfully request that his Motion is granted and the Court order an Extension of time until July 10, 2008, for him to file his reply to the United States-Government's response to his § 2255 Motion.

Respectfully Submitted  
Mr. Kendrick Thomas  
 Mr. Kendrick Thomas  
 Pro Se Petitioner-Defendant

Order Form (01/2005)

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 2204	DATE	4/28/2008
CASE TITLE	United States vs. Thomas		

## DOCKET ENTRY TEXT

The government shall respond to Kendrick Thomas's § 2255 motion within 35 days. The clerk is directed to serve a copy of the motion and the memorandum in support on the government.

■ [ For further details see text below.]

Docketing to mail notices.

## STATEMENT

On April 10, 2008, petitioner, Kendrick Thomas ("Thomas"), filed a *pro se* § 2255 motion to vacate, set aside, or correct his sentence from the underlying criminal case 04 CR 965-1. The court orders the government to respond within 28 days. If he wishes, Thomas may reply within 21 days thereafter. If no reply is received in a timely manner, the court will consider the matter fully briefed without a reply and will rule by mail.

Courtroom Deputy  
Initials:

RJ/DAM

## AFFIDAVIT

I, Kendrick Thomas, duly disposes under oath, Sub Ject to Penalty of Per Jury that the foregoing is true.

1. That I am incarcerated in the U.S. Penitentiary Terre Haute, Indiana 47808.
2. That USP Terre is presently on lock down and has been so since June 20, 2008.
3. That I am unable to complete typing, then copy, then Mail my reply to governments response to §2255 due to lock down, and law library being closed.
4. That I was unable to copy this affidavit or the attached Motion for an Extension of time and serve it on U.S. Assistant Attorney, Lisa Noller, due to lock down and no access to copying Machine. "Please copy and serve."

Kendrick Thomas  
M. Kendrick Thomas  
Affiant